

The Honorable Lauren King

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

MONET CARTER-MIXON, as Personal
Representative of the Estate of MANUEL
ELLIS, and MARCIA CARTER,

Plaintiffs,

v.

CITY OF TACOMA, CHRISTOPHER
BURBANK, MATTHEW COLLINS,
MASYIH FORD, TIMOTHY RANKINE,
ARMANDO FARINAS, RON
KOMAROVSKY, PIERCE COUNTY,
GARY SANDERS, and ANTHONY
MESSINEO,

Defendants.

No. 3:21-cv-05692-LK

DEFENDANTS FORD, FARINAS,
AND KOMAROVSKY'S ANSWER TO
PLAINTIFFS' AMENDED
COMPLAINT

DEMAND FOR JURY

Defendants MASYIH FORD, ARMANDO FARINAS, and RON KOMAROVSKY
(hereinafter "Answering Defendants"), in answer to Plaintiffs' Amended Complaint, admit,
deny, and allege as follows. Unless specifically admitted herein, the answering Defendants
deny each and every allegation in Plaintiffs' Amended Complaint for Damages.

I. NATURE OF ACTION

1.1 Defendants presumptively admit the allegations contained in paragraph 1.1 of
Plaintiffs' Amended Complaint that this is a civil rights action brought by Plaintiffs Monet
Carter-Mixon, as Personal Representative of the Estate of Manuel Ellis, and Marcia Carter,
pursuant to 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments, as well as pendent

DEFS FORD, FARINAS & KOMAROVSKY'S ANSWER
TO PLTFS' AMD COMPLAINT - 1
3:21-cv-05692-LK

1035-00014/565146

KEATING, BUCKLIN & MCCORMACK, INC., P.S.

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1 claims under Washington Law. Plaintiffs' claims are asserted against the City of Tacoma;
 2 Tacoma Police Officers Matthew Collins, Christopher Burbank, Timothy Rankine, Masyih
 3 Ford, Armando Farinas, and Ron Komarovksy; Pierce County; and Pierce County Sheriff
 4 Deputies Gary Sanders and Anthony Messineo. To the extent that the remaining allegations
 5 contained in paragraph 1.1 are legal conclusions, Defendants deny the same.

6 1.2 Defendants deny the allegations contained in paragraph 1.2 of Plaintiffs'
 7 Amended Complaint. By way of further Answer, Defendants admit that the named officers
 8 were on duty at the time of their interaction with Mr. Ellis.

9 1.3 The allegations contained in paragraph 1.3 are directed at another Defendant
 10 and therefore the Answering Defendants deny the allegations contained in paragraph 1.3 of
 11 Plaintiffs' Amended Complaint. By way of further Answer, Defendants deny that Defendant
 12 Officers engaged in wrongful conduct.

13 1.4 The allegations contained in paragraph 1.4 are directed at another Defendant
 14 and therefore the Answering Defendants deny the allegations contained in paragraph 1.4 of
 15 Plaintiffs' Amended Complaint.

16 1.5 The allegations contained in paragraph 1.5 are directed at another Defendant
 17 and therefore the Answering Defendants deny the allegations contained in paragraph 1.5 of
 18 Plaintiffs' Amended Complaint.

19 II. PARTIES

20 2.1 Defendants are without sufficient knowledge as to the truth or falsity of the
 21 statements in paragraph 2.1 of Plaintiffs' Amended Complaint and therefore deny the same.

22 2.2 Defendants are without sufficient knowledge as to the truth or falsity of the
 23 statements in paragraph 2.2 of Plaintiffs' Amended Complaint and therefore deny the same.

24 2.3 The allegations contained in paragraph 2.3 are directed at another Defendant
 25 and therefore the Answering Defendants deny the allegations contained in paragraph 2.3 of
 26 Plaintiffs' Amended Complaint for lack of information.

27 2.4 The allegations contained in paragraph 2.4 are directed at another Defendant

1 and therefore the Answering Defendants deny the allegations contained in paragraph 2.4 of
2 Plaintiffs' Amended Complaint for lack of information.

3 2.5 The allegations contained in paragraph 2.5 are directed at another Defendant
4 and therefore the Answering Defendants deny the allegations contained in paragraph 2.5 of
5 Plaintiffs' Amended Complaint for lack of information.

6 2.6 Defendants admit the allegations contained in paragraph 2.6 that Masyih Ford
7 was employed as a law enforcement officer by the Tacoma Police Department and was acting
8 within the course and scope of his employment with the City of Tacoma and under the color
9 of state law. Defendants deny that actions were taken for the benefit of the marital community
10 and admit the remaining allegations contained in Paragraph 2.6 of Plaintiffs' Amended
11 Complaint.

12 2.7 Defendants admit the allegations contained in paragraph 2.7 that Armando
13 Farinas was employed as a law enforcement officer by the Tacoma Police Department and
14 was acting within the course and scope of his employment with the City of Tacoma and under
15 the color of state law. Defendants deny that actions were taken for the benefit of the marital
16 community and admit the remaining allegations contained in Paragraph 2.7 of Plaintiffs'
17 Amended Complaint.

18 2.8 Defendants admit the allegations contained in paragraph 2.8 that Ron
19 Komarovsky was employed as a law enforcement officer by the Tacoma Police Department
20 and was acting within the course and scope of his employment with the City of Tacoma and
21 under the color of state law. Defendants deny that actions were taken for the benefit of the
22 marital community and admit the remaining allegations contained in Paragraph 2.8 of
23 Plaintiffs' Amended Complaint.

24 2.9 Defendants admit the City of Tacoma is a municipal corporation located
25 within the Western District of Washington. By way of further Answer, Defendants admit that
26 at all times material to this Complaint, Officers Ford, Farinas, and Komarovsky were agents
27 of the City of Tacoma, acting within the scope of their employment and under color of state

1 law. Defendants deny the remaining allegations contained in paragraph 2.9 of Plaintiffs'
2 Amended Complaint.

3 2.10 The allegations contained in paragraph 2.10 are directed at another Defendant
4 and therefore the Answering Defendants deny the allegations contained in paragraph 2.10 of
5 Plaintiffs' Amended Complaint for lack of information.

6 2.11 The allegations contained in paragraph 2.11 are directed at another Defendant
7 and therefore the Answering Defendants deny the allegations contained in paragraph 2.11 of
8 Plaintiffs' Amended Complaint for lack of information.

9 2.12 Defendants Admit that Pierce County is a municipal corporation located in the
10 Western District of Washington. The remaining allegations in paragraph 2.12 are legal
11 conclusions or statements of which the Answering Defendants are without sufficient
12 knowledge as to the truth or falsity of the statements and therefore deny the same.

13 **III. JURISDICTION AND VENUE**

14 3.1 The allegations contained in paragraph 3.1 of Plaintiffs' Amended Complaint
15 are legal conclusions and are therefore denied the same.

16 3.2 The allegations contained in paragraph 3.2 of Plaintiff's Amended Complaint
17 are legal conclusions and therefore are denied the same.

18 3.3 The allegations contained in paragraph 3.3 of Plaintiff's Amended Complaint
19 are legal conclusions and therefore are denied the same.

20 **IV. FACTS**

21 4.1 The Answering Defendants are without sufficient knowledge as to the truth or
22 falsity of the statements in paragraph 4.1 of Plaintiffs' Amended Complaint and therefore
23 deny the same.

24 4.2 The Answering Defendants are without sufficient knowledge as to the truth or
25 falsity of the statements in paragraph 4.2 of Plaintiffs' Amended Complaint and therefore
26 deny the same.

27 4.3 The Answering Defendants are without sufficient knowledge as to the truth or

1 falsity of the statements in paragraph 4.3 of Plaintiffs' Amended Complaint and
2 therefore deny the same.

3 4.4 The Answering Defendants deny the allegations as characterized in paragraph
4 4.4 of Plaintiffs' Amended Complaint.

5 4.5 The Answering Defendants are without sufficient knowledge as to the truth or
6 falsity of the statements in paragraph 4.5 of Plaintiffs' Amended Complaint and
7 therefore deny the same.

8 4.6 The Answering Defendants deny the allegations as characterized in paragraph
9 4.6 of Plaintiffs' Amended Complaint.

10 4.7 The Answering Defendants are without sufficient knowledge as to the truth or
11 falsity of the statements in paragraph 4.7 of Plaintiffs' Amended Complaint and
12 therefore deny the same.

13 4.8 The Answering Defendants are without sufficient knowledge as to the truth or
14 falsity of the statements in paragraph 4.8 of Plaintiffs' Amended Complaint and
15 therefore deny the same.

16 4.9 The Answering Defendants are without sufficient knowledge as to the truth or
17 falsity of the statements in paragraph 4.9 of Plaintiffs' Amended Complaint and
18 therefore deny the same.

19 4.10 The Answering Defendants are without sufficient knowledge as to the truth or
20 falsity of the statements in paragraph 4.10 of Plaintiffs' Amended Complaint and therefore
21 deny the same.

22 4.11 The Answering Defendants are without sufficient knowledge as to the truth or
23 falsity of the statements in paragraph 4.11 of Plaintiffs' Amended Complaint and therefore
24 deny the same.

25 4.12 The Answering Defendants are without sufficient knowledge as to the truth or
26 falsity of the statements in paragraph 4.12 of Plaintiffs' Amended Complaint and therefore
27 deny the same.

1 4.13 The Answering Defendants are without sufficient knowledge as to the truth or
2 falsity of the statements in paragraph 4.13 of Plaintiffs' Amended Complaint and
3 therefore deny the same.

4 4.14 The Answering Defendants are without sufficient knowledge as to the truth or
5 falsity of the statements in paragraph 4.14 of Plaintiffs' Amended Complaint and therefore
6 deny the same.

7 4.15 The Answering Defendants are without sufficient knowledge as to the truth or
8 falsity of the statements in paragraph 4.15 of Plaintiffs' Amended Complaint and therefore
9 deny the same.

10 4.16 The Answering Defendants are without sufficient knowledge as to the truth or
11 falsity of the statements in paragraph 4.16 of Plaintiffs' Amended Complaint and therefore
12 deny the same.

13 4.17 Defendants admit that Officer Ford responded to the scene at some point on
14 the night when the incident giving rise to this action took place. The Answering Defendants
15 are without sufficient knowledge as to the truth or falsity of the remaining statements in
16 paragraph 4.17 of Plaintiffs' Amended Complaint and therefore deny the same.

17 4.18 The Answering Defendants are without sufficient knowledge as to the truth or
18 falsity of the statements in paragraph 4.18 of Plaintiffs' Amended Complaint and therefore
19 deny the same.

20 4.19 The Answering Defendants are without sufficient knowledge as to the truth or
21 falsity of the statements in paragraph 4.19 of Plaintiffs' Amended Complaint and therefore
22 deny the same.

23 4.20 The Answering Defendants deny the allegations as stated in paragraph 4.20 of
24 Plaintiffs' Amended Complaint.

25 4.21 The Answering Defendants deny the allegations as characterized in paragraph
26 4.21 of Plaintiffs' Amended Complaint.

27 4.22 The Answering Defendants deny the allegations as characterized in paragraph

1 4.22 of Plaintiffs' Amended Complaint.

2 4.23 The Answering Defendants deny the allegations as characterized in paragraph
3 4.23 of Plaintiffs' Amended Complaint.

4 4.24 Plaintiffs make no allegation of fact in paragraph 4.24 of the Amended
5 Complaint and therefore the Answering Defendants deny the same.

6 4.25 The Answering Defendants deny the allegations as characterized in paragraph
7 4.25 of Plaintiffs' Amended Complaint.

8 4.26 The allegations contained in paragraph 4.26 are directed at another Defendant
9 and therefore the Answering Defendants deny the allegations contained in paragraph 4.26 of
10 Plaintiffs' Amended Complaint for lack of information.

11 4.27 The Answering Defendants deny the allegations contained in paragraph 4.25
12 of Plaintiffs' Amended Complaint.

13 4.28 The Answering Defendants are without sufficient knowledge as to the truth or
14 falsity of the statements in paragraph 4.28 of Plaintiffs' Amended Complaint and therefore
15 deny the same.

16 4.29 Plaintiffs make no allegation of fact in paragraph 4.29 of the Amended
17 Complaint. To the extent that an Answer is required, the Answering Defendants deny the
18 allegations as characterized in paragraph 4.29 of the Amended Complaint.

19 4.30 The Answering Defendants deny the allegations as characterized in paragraph
20 4.30 of Plaintiffs' Amended Complaint.

21 4.31 Answering Defendants deny the allegations as characterized in paragraph 4.31
22 of Plaintiffs' Amended Complaint.

23 4.32 The Answering Defendants deny the allegations as characterized in paragraph
24 4.32 of the Amended Complaint.

25 4.33 The Answering Defendants deny the allegations as characterized in paragraph
26 4.33 of Plaintiffs' Amended Complaint.

27 4.34 The Answering Defendants deny the allegations as characterized in paragraph

1 4.34 of Plaintiffs' Amended Complaint.

2 4.35 The Answering Defendants deny the allegations as characterized in paragraph
3 4.34 of Plaintiffs' Amended Complaint.

4 4.36 The Answering Defendants deny the allegations as characterized in paragraph
5 4.36 of Plaintiffs' Amended Complaint.

6 4.37 The Answering Defendants are without sufficient knowledge as to the truth or
7 falsity of the allegations in paragraph 4.37 of Plaintiffs' Amended Complaint and therefore
8 deny the same.

9 4.38 The Answering Defendants deny the allegations as characterized in paragraph
10 4.38 of Plaintiffs' Amended Complaint.

11 4.39 The Answering Defendants deny the allegations as characterized in paragraph
12 4.38 of Plaintiffs' Amended Complaint.

13 4.40 The Answering Defendants are without sufficient knowledge as to the truth or
14 falsity of the statements in paragraph 4.40 of Plaintiffs' Amended Complaint and therefore
15 deny the same.

16 4.41 The Answering Defendants are without sufficient knowledge as to the truth or
17 falsity of the statements in paragraph 4.41 of Plaintiffs' Amended Complaint and therefore
18 deny the same.

19 4.42 The Answering Defendants deny the allegations as characterized in paragraph
20 4.42 of Plaintiffs' Amended Complaint.

21 4.43 The Answering Defendants are without sufficient information as to
22 authenticity or source of the photos contained in paragraph 4.43 of Plaintiffs' Amended
23 Complaint and therefore deny the allegations as characterized 4.43 of Plaintiffs' Amended
24 Complaint.

25 4.44 Paragraph 4.44 of Plaintiffs' Complaint contains a legal conclusion and
26 therefore the Answering Defendants deny the same.

27 4.45 The Answering Defendants deny the allegations as characterized in paragraph

1 4.45 of Plaintiffs' Amended Complaint.

2 4.46 The Answering Defendants are without sufficient knowledge as to the truth or
3 falsity of the statements in paragraph 4.46 of Plaintiffs' Amended Complaint and therefore
4 deny the same.

5 4.47 The Answering Defendants are without sufficient knowledge as to the truth or
6 falsity of the statements in paragraph 4.47 of Plaintiffs' Amended Complaint and therefore
7 deny the same.

8 4.48 The Answering Defendants are without sufficient knowledge as to the truth or
9 falsity of the statements in paragraph 4.48 of Plaintiffs' Amended Complaint and therefore
10 deny the same.

11 4.49 The Answering Defendants are without sufficient knowledge as to the truth or
12 falsity of the statements in paragraph 4.49 of Plaintiffs' Amended Complaint and therefore
13 deny the same.

14 4.50 The Answering Defendants admit that medical assistance was requested at for
15 Mr. Ellis on the night in question. The Answering Defendants deny the remaining allegations
16 as characterized in paragraph 4.50 of Plaintiffs' Amended Complaint.

17 4.51 The Answering Defendants are without sufficient knowledge as to the truth or
18 falsity of the statements in paragraph 4.51 of Plaintiffs' Amended Complaint and therefore
19 deny the same.

20 4.52 The Answering Defendants lack sufficient knowledge to confirm the truth or
21 falsity of the allegations in paragraph 4.52 of Plaintiffs' Amended Complaint and therefore
22 deny the same.

23 4.53 The Answering Defendants admit that the Tacoma Fire Department responded
24 to the incident scene. The Answering Defendants deny the remaining allegations as
25 characterized in paragraph 4.53 of the Complaint.

26 4.54 The Answering Defendants deny the allegations as characterized in paragraph
27 4.54 of Plaintiff's Amended Complaint.

1 4.55 The Answering Defendants deny the allegations as characterized in paragraph
2 4.55 of Plaintiff's Amended Complaint.

3 4.56 The Answering Defendants admit that Tacoma firefighters attempted to
4 provide medical aid at the scene. Defendants deny all remaining allegations contained in
5 paragraph 4.56 of the Amended Complaint.

6 4.57 The Answering Defendants are without sufficient knowledge as to the truth or
7 falsity of the statements in paragraph 4.57 of Plaintiffs' Amended Complaint and therefore
8 deny the same.

9 4.58 The Answering Defendants deny the allegations as characterized in paragraph
10 4.58 of the Amended Complaint.

11 4.59 The Answering Defendants deny the allegations contained in paragraph 4.59
12 of the Amended Complaint.

13 4.60 The Answering Defendants deny the allegations as characterized in paragraph
14 4.60 of the Amended Complaint.

15 4.61 The Answering Defendants deny the allegations contained in Paragraph 4.61
16 of the Amended Complaint.

17 4.62 The allegations contained in paragraph 4.62 are directed at another Defendant
18 and therefore the Answering Defendants deny the allegations contained in paragraph 4.62 of
19 Plaintiffs' Amended Complaint for lack of information.

20 4.63 The allegations contained in paragraph 4.63 are directed at another Defendant
21 and therefore the Answering Defendants deny the allegations contained in paragraph 4.63 of
22 Plaintiffs' Amended Complaint for lack of information.

23 4.64 The allegations contained in paragraph 4.64 are directed at another Defendant
24 and therefore the Answering Defendants deny the allegations contained in paragraph 4.64 of
25 Plaintiffs' Amended Complaint for lack of information.

26 4.65 Paragraph 4.65 contains only a legal conclusion for which no response is
27 required.

1 4.66 The allegations contained in paragraph 4.66 are directed at another Defendant
2 and therefore the Answering Defendants deny the allegations contained in paragraph 4.66 of
3 Plaintiffs' Amended Complaint for lack of information.

4 4.67 The allegations contained in paragraph 4.67 are directed at another Defendant
5 and therefore the Answering Defendants deny the allegations contained in paragraph 4.67 of
6 Plaintiffs' Amended Complaint for lack of information.

7 4.68 The allegations contained in paragraph 4.68 are directed at another Defendant
8 and therefore the Answering Defendants deny the allegations contained in paragraph 4.68 of
9 Plaintiffs' Amended Complaint for lack of information.

10 4.69 The allegations contained in paragraph 4.69 are directed at another Defendant
11 and therefore the Answering Defendants deny the allegations contained in paragraph 4.69 of
12 Plaintiffs' Amended Complaint for lack of information.

13 4.70 The allegations contained in paragraph 4.70 are directed at another Defendant
14 and therefore the Answering Defendants deny the allegations contained in paragraph 4.70 of
15 Plaintiffs' Amended Complaint for lack of information.

16 4.71 The allegations contained in paragraph 4.71 are directed at another Defendant
17 and therefore the Answering Defendants deny the allegations contained in paragraph 4.71 of
18 Plaintiffs' Amended Complaint for lack of information.

19 4.72 The allegations contained in paragraph 4.72 consist only of a legal conclusion
20 for which no response is required and therefore the Answering Defendants deny the same.

21 4.73 The allegations contained in paragraph 4.73 are directed at another Defendant
22 and therefore the Answering Defendants deny the allegations for lack of information.

23 4.74 The allegations contained in paragraph 4.74 are directed at another Defendant
24 and therefore the Answering Defendants deny the allegations contained in paragraph 4.74 of
25 Plaintiffs' Amended Complaint for lack of information.

26 4.75 Paragraph 4.75 contains allegations directed at another Defendant and
27 therefore the Answering Defendants deny the allegations as characterized in paragraph 4.75

1 of the Amended Complaint for lack of information.

2 4.76 Paragraph 4.76 contains allegations directed at another Defendant and
3 therefore the Answering Defendants deny the allegations as characterized in paragraph 4.76
4 of the Amended Complaint for lack of information.

5 4.77 Paragraph 4.77 contains allegations directed at another Defendant and
6 therefore the Answering Defendants deny the allegations as characterized in paragraph 4.77
7 of the Amended Complaint for lack of information.

8 4.78 The allegations contained in paragraph 4.78 are directed at another Defendant
9 and therefore the Answering Defendants deny the allegations for lack of information.

10 4.79 The allegations in paragraph 4.79 are vague and directed at another
11 Defendant; therefore, the Answering Defendants deny the allegations as characterized in
12 paragraph 4.79 of the Amended Complaint.

13 4.80 The Answering Defendants admit that Pierce County investigators conducted
14 an interview of Officer Ford on March 9, 2020. The remaining allegations contained in
15 paragraph 4.80 are directed at other Defendants and therefore the Answering Defendants
16 deny the allegations for lack of information.

17 4.81 The Answering Defendants admit that Officer Ford was interviewed on March
18 9, 2020. The Answering Defendants deny the remaining allegations as characterized in
19 paragraph 4.81.

20 4.82 The allegations contained in paragraph 4.82 of the Amended Complaint
21 consist of legal conclusions for which no response is required, and therefore Defendants deny
22 the allegations.

23 4.83 The allegations contained in paragraph 4.83 of the Amended Complaint
24 consist of legal conclusions for which no response is required, and therefore Defendants deny
25 the allegations.

26 4.84 The Answering Defendants admit that the City of Tacoma placed Officer Ford
27 on administrative leave. The Answering Defendants deny the remaining allegations as

1 characterized in paragraph 4.84 of the Amended Complaint.

2 4.85 The Answering Defendants admit that Officer Ford returned to work after
3 taking administrative leave. The Answering Defendants deny the remaining allegations as
4 characterized in paragraph 4.84 of the Amended Complaint.

5 4.86 The Answering Defendants deny the allegations as characterized in paragraph
6 4.86 of the Amended Complaint.

7 4.87 The allegations contained in paragraph 4.87 are directed at another Defendant
8 and therefore the Answering Defendants deny the allegations for lack of information
9 sufficient to form an opinion as to the truth of the allegations.

10 4.88 The Answering Defendants are without sufficient knowledge to respond to the
11 allegations contained in paragraph 4.88 of the Amended Complaint and therefore deny the
12 same.

13 4.89 Upon information and belief, the Answering Defendants admit that Victoria
14 Woodards was the mayor of Tacoma and addressed the public on June 4, 2020. The
15 Answering Defendants deny the remaining allegations as characterized in paragraph 4.89 of
16 the Amended Complaint.

17 4.90 Answering Defendants deny the allegations contained in Paragraph 4.90 of
18 the Amended Complaint.

19 4.91 The allegations contained in paragraph 4.91 are directed at another Defendant
20 and therefore the Answering Defendants deny the allegations for lack of information. By way
21 of further Answer, to the extent that the allegations contained in paragraph 4.91 of the
22 Amended Complaint contain legal conclusions, no response is required.

23 4.92 The Answering Defendants lack sufficient information to respond to the
24 allegations contained in paragraph 4.92 of the Amended Complaint and therefore deny the
25 same.

26 4.93 The allegations contained in paragraph 4.93 are directed at another Defendant
27 and therefore the Answering Defendants deny the allegations for lack of information. By way

1 of further Answer, Plaintiffs make no allegation of fact in paragraph 4.93 of the Amended
2 Complaint and therefore no response is required.

3 4.94 The Answering Defendants admit that the Washington State Patrol carried out
4 an investigation of the incident involving Manuel Ellis. Except as admitted, Defendants deny
5 all remaining allegations contained in paragraph 4.94 of the Amended Complaint.

6 4.95 The allegations contained in paragraph 4.95 are directed at another Defendant
7 and therefore the Answering Defendants deny the allegations for lack of information
8 sufficient to form an opinion as to the truth of the allegations.

9 4.96 The allegations contained in paragraph 4.96 are directed at another Defendant
10 and therefore the Answering Defendants deny the allegations for lack of information
11 sufficient to form an opinion as to the truth of the allegations.

12 4.97 The allegations contained in paragraph 4.97 are directed at another Defendant
13 and therefore the Answering Defendants deny the allegations for lack of information
14 sufficient to form an opinion as to the truth of the allegations.

15 4.98 The Answering Defendants admit Washington State Patrol did not interview
16 Officer Ford and deny the remaining allegations as characterized in paragraph 4.98 of the
17 Amended Complaint.

18 4.99 The Answering Defendants admit that Officer Farinas was not interviewed by
19 Washington State Patrol and deny the remaining allegations as characterized in paragraph
20 4.98 of the Amended Complaint.

21 4.100 Upon information and belief, the Answering Defendants admit the
22 Washington State Patrol never requested an interview from Officer Komarovsky.

23 4.101 The Answering Defendants lack information sufficient to form a belief as to
24 the truth of the allegations contained in paragraph 4.101 of the Amended Complaint and
25 therefore deny the same.

26 4.102 The Answering Defendants admit that the Washington State Attorney
27 General's Office announced its charging decision in May 2021. The Answering Defendants

1 have insufficient information to respond to the remaining allegations of paragraph 4.103 of
2 the Amended Complaint and therefore deny the same.

3 4.103 The allegations contained in paragraph 4.103 are directed at another Defendant
4 and therefore the Answering Defendants deny the allegations for lack of information
5 sufficient to form an opinion as to the truth of the allegations.

6 4.104 The allegations contained in paragraph 4.104 are directed at another
7 Defendant and therefore the Answering Defendants deny the allegations for lack of
8 information sufficient to form an opinion or belief as to the truth of the allegations.

9 4.105 Paragraph 4.105 in the Amended Complaint contains a legal conclusion for
10 which no response is required, and therefore the Answering Defendants deny the same.

11 4.106 The allegations contained in paragraph 4.106 are directed at another
12 Defendant and therefore the Answering Defendants deny the allegations for lack of
13 information sufficient to form an opinion or belief as to the truth of the allegations.

14 4.107 Plaintiffs assert no allegation of fact in paragraph 4.107 of the Amended
15 Complaint and therefore no response is required. To the extent that any response is required,
16 the Answering Defendants deny the same.

17 4.108 Plaintiffs assert no allegation of fact in paragraph 4.108 of the Amended
18 Complaint and therefore no response is required. To the extent that any response is required,
19 the Answering Defendants deny the same.

20 4.109 Plaintiffs assert no allegation of fact in paragraph 4.109 of the Amended
21 Complaint and therefore no response is required. To the extent that any response is required,
22 the Answering Defendants deny the same.

23 4.110 The Answering Defendants lack information sufficient to form an opinion or
24 belief as to the truth of the allegations contained in paragraph 4.110 of the Amended
25 Complaint and therefore deny the same.

26 4.111 The Answering Defendants deny the allegations as characterized in paragraph
27 4.111 of the Amended Complaint and therefore deny the same.

1 4.112 The Answering Defendants deny the allegations as characterized in paragraph
2 4.112 of the Amended Complaint.

3 4.113 The Answering Defendants deny the allegations as characterized in paragraph
4 4.113 of the Amended Complaint.

5 4.114 The allegations contained in paragraph 4.114 of the Amended Complaint are
6 directed at another Defendant, and the Answering Defendants are without sufficient
7 knowledge to confirm or deny the allegations and therefore deny the same.

8 4.115 The Answering Defendants deny the allegations as characterized in paragraph
9 4.115 of the Amended Complaint.

10 4.116 The Answering Defendants deny the allegations as characterized in paragraph
11 4.116 of the Amended Complaint.

12 4.117 The Answering Defendants deny the allegations as characterized in paragraph
13 4.117 of the Amended Complaint.

14 4.118 The Answering Defendants deny the allegations as characterized in paragraph
15 4.118 of the Amended Complaint.

16 4.119 The allegations contained in paragraph 4.119 of the Amended Complaint are
17 directed at another Defendant, and the Answering Defendants are without sufficient
18 knowledge to confirm or deny the allegations and therefore deny the same.

19 4.120 The allegations contained in paragraph 4.120 of the Amended Complaint are
20 directed at another Defendant, and the Answering Defendants are without sufficient
21 knowledge to confirm or deny the allegations and therefore deny the same.

22 4.121 The allegations contained in paragraph 4.121 of the Amended Complaint are
23 directed at another Defendant, and the Answering Defendants are without sufficient
24 knowledge to confirm or deny the allegations and therefore deny the same.

25 4.122 The allegations contained in paragraph 4.122 of the Amended Complaint are
26 directed at another Defendant, and the Answering Defendants are without sufficient
27 knowledge to confirm or deny the allegations and therefore deny the same.

4.123 The allegations contained in paragraph 4.123 of the Amended Complaint are directed at another Defendant, and the Answering Defendants are without sufficient knowledge to confirm or deny the allegations and therefore deny the same.

4.124 The Answering Defendants deny the allegations as characterized in paragraph 4.124 of the Amended Complaint.

4.125 The allegations contained in paragraph 4.125 of the Amended Complaint are directed at another Defendant, and the Answering Defendants are without sufficient knowledge to confirm or deny the allegations and therefore deny the same.

4.126 The Answering Defendants lack sufficient information to confirm or deny the allegations contained in paragraph 4.126 of the Amended Complaint and therefore deny the same.

V. CAUSES OF ACTION

5.1 The Answering Defendants deny the allegations as characterized in paragraph 5.1 of the Amended Complaint.

5.2 The Answering Defendants deny the allegations as characterized in paragraph 5.2 of the Amended Complaint.

5.3 The Answering Defendants deny the allegations as characterized in paragraph 5.3 of the Amended Complaint.

5.4 The Answering Defendants deny the allegations as characterized in paragraph 5.4 of the Amended Complaint.

5.5 The Answering Defendants deny the allegations as characterized in paragraph 5.5 of the Amended Complaint.

5.6 The Answering Defendants deny the allegations as characterized in paragraph 5.6 of the Amended Complaint.

5.7 The Answering Defendants deny the allegations as characterized in paragraph 5.7 of the Amended Complaint.

5.8 The allegations contained in paragraph 5.8 of the Amended Complaint are

1 directed at another Defendant, and the Answering Defendants are without sufficient
2 knowledge to confirm or deny the allegations and therefore deny the same.

3 5.9 The allegations contained in paragraph 5.9 of the Amended Complaint are
4 directed at another Defendant, and the Answering Defendants are without sufficient
5 knowledge to confirm or deny the allegations and therefore deny the same.

6 5.10 The allegations contained in paragraph 5.10 of the Amended Complaint are
7 directed at another Defendant, and the Answering Defendants are without sufficient
8 knowledge to confirm or deny the allegations and therefore deny the same.

9 5.11 The allegations contained in paragraph 5.11 of the Amended Complaint are
10 directed at another Defendant, and the Answering Defendants are without sufficient
11 knowledge to confirm or deny the allegations and therefore deny the same.

12 5.12 The allegations contained in paragraph 5.12 of the Amended Complaint are
13 directed at another Defendant, and the Answering Defendants are without sufficient
14 knowledge to confirm or deny the allegations and therefore deny the same.

15 5.13 The Answering Defendants deny the allegations as characterized in paragraph
16 5.13 of the Amended Complaint.

17 5.14 The Answering Defendants deny the allegations as characterized in paragraph
18 5.14 of the Amended Complaint.

19 5.15 The Answering Defendants deny the allegations as characterized in paragraph
20 5.15 of the Amended Complaint.

21 5.16 The Answering Defendants deny the allegations as characterized in paragraph
22 5.16 of the Amended Complaint.

23 5.17 The Answering Defendants deny the allegations as characterized in paragraph
24 5.17 of the Amended Complaint.

25 5.18 Paragraph 5.18 of the Amended Complaint contains only legal conclusions
26 for which no response is required. To the extent that a response is necessary, the Answering
27 Defendants deny the same.

6.3 of the Amended Complaint.

6.4 The Answering Defendants deny the allegations as characterized in paragraph 6.4 of the Amended Complaint.

6.5 The Answering Defendants deny the allegations as characterized in paragraph 6.5 of the Amended Complaint.

6.6 Paragraph 6.6 of the Amended Complaint does not include an allegation of fact and therefore Defendants are not required to provide a response. To the extent that an Answer is required, the Answering Defendants deny all allegations contained in paragraph 6.6 of the Amended Complaint.

6.7 The Answering Defendants deny the allegations as characterized in paragraph 6.7 of the Amended Complaint.

6.8 The Answering Defendants deny the allegations as characterized in paragraph 6.8 of the Amended Complaint.

AFFIRMATIVE DEFENSES

BY WAY OF FURTHER ANSWER and FIRST AFFIRMATIVE DEFENSE, the Answering Defendants contend that the injuries and damages, if any claimed by Plaintiffs were proximately caused or contributed to by the fault of Plaintiffs, and/or their reckless, willful, and wanton actions.

BY WAY OF FURTHER ANSWER AND SECOND AFFIRMATIVE DEFENSE, Defendants contend that Plaintiffs' claims are precluded by the doctrine of qualified immunity.

BY WAY OF FURTHER ANSWER AND THIRD AFFIRMATIVE DEFENSE, Defendants contend that the injuries and damages, if any, claimed by Plaintiffs herein, arise out of a condition of which Plaintiffs had knowledge and to which they voluntarily subjected themselves.

BY WAY OF FURTHER ANSWER AND FOURTH AFFIRMATIVE DEFENSE, Defendants contend that the injuries and damages, if any, the same was the result of

1 reasonable conduct and required conduct of Defendants under the circumstances and was
2 excusable and justifiable in connection with Plaintiffs' conduct and that any force utilized by
3 Defendants was reasonable, necessary, and lawful under the circumstances and/or in the
4 defense of self or others and was privileged.

5 BY WAY OF FURTHER ANSWER AND FIFTH AFFIRMATIVE DEFENSE,
6 Defendants contend that Defendants at all times acted in good faith in the performance of
7 their duties and are therefore immune from suit for the matters charged in Plaintiff's
8 complaint.

9 BY WAY OF FURTHER ANSWER AND SIXTH AFFIRMATIVE DEFENSE,
10 Defendants contend that if the Plaintiff suffered any damages, recovery is reduced or barred
11 by Plaintiffs' and Plaintiffs' decedent's failure to mitigate said damages.

12 BY WAY OF FURTHER ANSWER AND SEVENTH AFFIRMATIVE DEFENSE,
13 Defendants contend that Plaintiffs' damages are completely barred because Plaintiffs'
14 decedent was under the influence of intoxicating liquor or drug at the time of the occurrence
15 causing the injury or death and that such condition was a proximate cause of the injury or
16 death. RCW 5.40.060.

17 BY WAY OF FURTHER ANSWER AND EIGHTH AFFIRMATIVE DEFENSE,
18 Defendants contend that Plaintiffs' damages are completely barred because Plaintiffs'
19 decedent was engaged in the commission of a felony at the time of the occurrence causing
20 the injury or death and the felony was a proximate cause of the injury or death. RCW
21 4.24.420.

22 BY WAY OF FURTHER ANSWER AND NINTH AFFIRMATIVE DEFENSE, that
23 Plaintiffs lack capacity or standing to sue individually or in a representative capacity.

24 BY WAY OF FURTHER ANSWER AND TENTH AFFIRMATIVE DEFENSE, that
25 the Answering Defendants at all times acted in good faith in the performance of their duties
26 and are therefore immune from suit for the matters charged in Plaintiff's complaint.

PRAYER FOR RELIEF

WHEREFORE, Defendants FORD, FARINAS, and KOMAROVSKY pray for the following relief:

1. That Plaintiff's complaint be dismissed with prejudice, and that Plaintiffs take nothing by their complaint;
2. That Defendants be allowed their statutory costs and reasonable attorney fees incurred herein; and
3. For such additional relief the Court may deem just and equitable.

TRIAL BY JURY DEMANDED

Pursuant to Fed.R.Civ.P. 38, Defendants respectfully demand their right to a trial by jury of six or more persons in this matter.

DATED this 23rd day of February, 2022.

KEATING, BUCKLIN & McCORMACK, INC., P.S.

By: /s/ Stewart A. Estes
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By: /s/ Audrey M. Airut Murphy
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CERTIFICATE OF SERVICE

I hereby certify that on the below date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: N/A.

DATED: February 23, 2022

/s/ Audrey M. Airut Murphy

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